

Our Ref: HM/ GARDEN ROUTE / BITOU / PLETTENBERG BAY /
PORTION OF ERF 2103
Case No: 21072105SB0723E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959



Stéfan de Kock
perceptionplanning@gmail.com

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED ANIMAL CARE CENTRE DEVELOPMENT PTN OF ERF 2013, PLETTENBERG BAY, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21072105SB0723E

The matter above has reference.

Heritage Western Cape is in receipt of the above matter. This matter was discussed at the Heritage Officers meeting held on 2 August 2021.

You are hereby notified that, since there is no reason to believe that the proposed Animal Care Centre development Ptn of Erf 2013, Plettenberg Bay, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay. **Fossil finds procedure to be included within the environmental authorization.**

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

.....
Michael Janse van Rensburg
Chief Executive Officer: Heritage Western Cape



Heritage Western Cape
Erferis Wes-Kaap
ILifa leMveli leNtshona Koloni

19 August 2021

www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** P.O. Box 1665, Cape Town, 8000
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Melissa Mackay

From: Mercia J Liddle <Mercia.Liddle@westerncape.gov.za>
Sent: Thursday, 23 September 2021 18:00
To: Melissa Mackay
Subject: FW: Part 2 Amendment Application for Erf 2103 Piesang Valley
Attachments: DEADP Coastal_CMU 040 Amendment Application_Piesang Valley_Sep2021.pdf

Dear Ms Mackay,

Apologies for the delay in response – please find attached the sub-Directorate: Coastal Management's comment on the subject matter.

Can you please send future applications to both leptieshaam and I?

Many thanks and Kind Regards

Mercia Liddle
Sub-Directorate: Coastal Management
Directorate: Biodiversity and Coastal Management
Chief Directorate: Environmental Sustainability
Department of Environmental Affairs and Development Planning
Western Cape Government

4th Floor, Leeusig Building, 1 Dorp Street, Cape Town

Tel: (021) 483 4627

E-mail: mercia.liddle@westerncape.gov.za

Website: www.westerncape.gov.za



From: Melissa Mackay <mel@cape-eaprac.co.za>
Sent: Wednesday, 18 August 2021 13:36
To: mel@cape-eaprac.co.za
Subject: Part 2 Amendment Application for Erf 2103 Piesang Valley

Good afternoon

RE: PART 2 AMENDMENT APPLICATION OF THE EXISTING ENVIRONMENTAL AUTHORISATION FOR HOUSE VOGEL / THE HAPPY PLACE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY

Please find attached notification of the availability of the Draft Part 2 Amendment Assessment Report for the change in land use from an authorised single residential dwelling to a training, rescue & rehabilitation centre

for animals on Erf 210 Piesang Valley, Plettenberg Bay. As a key stakeholder, neighbouring property owner, relevant authority and previously registered **Interested & Affected Party** (I&AP), you accordingly being provided with the opportunity to review and comment the Part 2 Amendment Application. Should you no longer wish to be registered as an I&AP for this project, please notify this office in writing.

The comment period on this application commences on **Monday 23 August 2021** for a period of 30 days.

The documents can be downloaded from the following WeTransfer link and the Cape EAPrac website:

WeTransfer: [Click here](#)

Website: [Click here](#)

Please Note: When registering as an Interested and Affected Party (I&AP), you consent to the lawful processing of personal information in relation to the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013). Your information will be used for this project, or any future project where you are identified as an I&AP. You also agree that by submitting comment to inform this process, your contact details will, where required by a public body, be reflected in our regulated reports that must be compiled and submitted to the general public, registered stakeholders, organs of state as well as the competent authority for consideration and decision-making.

Kindly view our Privacy Statement for more information.

Regards

Melissa Mackay | 084 584 7419

SENIOR CONSULTANT | ECO | GIS

BTech Nat. Con. (NMMU)

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Cape EAPrac



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The EAP
Cape Environmental Assessment Practitioners
P.O. Box 2070
17 Progress Street
GEORGE
6530

Attention: Ms. Melissa Mackay

Tel: 044 874 0365
E-mail: mel@cape-eaprac.co.za

Dear Madam

RE: REQUEST FOR COMMENTS ON THE PART 2 AMENDMENT APPLICATION OF THE EXISTING ENVIRONMENTAL AUTHORISATION FOR HOUSE VOGEL / THE HAPPY PLACE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY.

1. Your request for comment from the sub-Directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 23 August 2021, refers.
2. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations". The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The PCMP is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. A key priority of the PCMP is the Estuary Management Programme, which is predominantly implemented through the Estuary Management Framework and Implementation Strategy ("EMFIS") project. The Department is implementing estuary management in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management

Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone.

3. The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:

3.1. It is noted that the owner of Erf 2103 Piesang Valley, and holder of the EA, wishes to amend the current EA (which was issued by the Department on 17 September 2018) for a single residential dwelling to provide a day care, training and rehabilitation centre for domestic animals. Two cottages are proposed to be utilised for staff accommodation and a separate unit is for the proposed training centre. The applicant wishes to replace the approved single residential dwelling with the proposed rescue facility. All structures will be raised above ground on stilts, including dog kennels.

3.2. The NEM: ICMA is not listed as relevant legislation for the proposed development in the draft Amendment Assessment Report (2021). The NEM: ICMA should be listed as relevant legislation, as the proposed maintenance activities will occur within the estuarine functional zone ("EFZ") as well as within the coastal protection zone ("CPZ") and the purpose of the CPZ should be considered in the application. Due to the effects of climate change, it was predicted that the Western Cape would experience, *inter alia*, changes in temperature, decrease in rainfall and an increase in the frequency and magnitude of storm surges along the coast. It is in the light of this complex and dynamic nature of the coastline that the NEM: ICMA was promulgated. The NEM: ICMA provides a framework for the integrated management of the coast with the aim of preserving, protecting, extending and enhancing the status of coastal public property and securing equitable access to the benefits and opportunities of the coast. As such, the NEM: ICMA provides for various zones and provides a framework for the management of these zones.

3.3. The proposed development layout is set to occur seaward the coastal management line ("CML") for the Garden Route District as noted in the amendment report. The increased effects of climate change, sea level rise and increased storm surges in coastal environments obliges the Department to take a more cautious approach when considering developments along the coast and estuaries. The technical delineation of the CML project was to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The CML was informed by various layers of information including biodiversity, estuarine functionality, risk to flooding, wave-run-up modelling, *inter alia*, and was delineated in conjunction with and supported by other organs of state including the Local and District Municipalities, CapeNature and all other organs of state represented on the steering committee for the Garden Route District CML project. The principal purpose of the CML is to protect coastal public property ("CPP"), private property and public safety; to protect the CPZ; and to preserve the aesthetic value of the coastal zone. The use of CMLs is of particular importance in response to the

effects of climate change, as it involves both a quantification of risks and pro-active planning for future development.

- 3.4. The draft Amendment Assessment Report indicated that the proposed rescue centre will be located within 100m of the highwater mark of the Piesang River, as such the proposed development will occur within the EFZ. The applicant is advised to consider the Western Cape Estuarine Management Framework and Implementation Strategy: Best Practice Activity Guidelines (2019) which is a value resource for the nature of the proposed development and can be found on the Departmental website at:

<https://www.westerncape.gov.za/eadp/files/atoms/files/WC%20EMFIS%20Activity%20Guidelines.pdf>

- 3.5. The draft Amendment Assessment Report states that the proposed development has no influence on an estuary management plan. It should be noted the Department's Estuary Management Plans ("EMPs") are currently open for public comment and the Piesang River EMP indicated that subject property is proposed to be zoned as Development (Low Intensity). This zone reflects the nature of current development but also has a specific purpose, namely, to regulate the type of future development and activities that may take place within these private land parcels. The EMP recommends that the areas earmarked in this zone be reserved for either no development or very-low density development, tailored towards agriculture conservation and eco-tourism. The Piesang River EMP can be accessed via the Department website:

https://www.westerncape.gov.za/eadp/files/atoms/files/Piesang%20River%20Estuary%20Draft%20EMP_2021.pdf

- 3.6. The nature of estuaries and the broader littoral active zone must be taken into account in land-use planning and this includes planning for the natural meandering and/or migration of the estuary channel and mouth, riparian flooding, tidal surges and sea storm events as well as the long-term natural processes of erosion and accretion in the coastal zone. The capacity of the estuary and/or river to accommodate recreational pressure generated by shoreline development should be taken into account in determining the nature and scale of development adjacent to estuaries.
- 3.7. The applicant considered critical biodiversity areas ("CBAs") and ecological support areas ("ESAs") as well as aquatic features in relation to the proposed development and in accordance with the Western Cape Biodiversity Spatial Plan (2017). Where possible, CBAs and priority ESAs as well as remaining natural ecosystems, particularly forests, riparian margins and dune systems, should be preserved. These natural units holistically provide protection against extreme events such as natural disasters and associated erosion.
- 3.8. It is noted from the to the Wetland Assessment (EnviroSci, June 2021) that the proposed layout amendment would see a reduction in the overall footprint of the proposed development with the proposed access road already being completed as authorised.

With the lifting of structures, the Wetland Assessment stated the hydrological impact on the site would be further limited.

- 3.9. The Garden Route Coastal Access Audit (2019) indicated access to the coast at the subject stretch of coast is via private residences only. There is also an issue of encroachment of private gardens into the primary dunes which is a major concern. The applicant is advised to stay within the proposed development footprint.
- 3.10. The amendment proposal includes a proposed entrance and access road as well as a guest parking area. The Guidelines mentioned in item 3.4. advises that parking areas must be positioned in such a way as to minimise the need for protection structure/measures and maintenance.
4. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: *"...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..."* together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.
5. The SD: CM reserves the right to revise its comments and request further information from you based on any information that may be received.

Yours faithfully

CONTROL ENVIRONMENTAL OFFICER
SUB-DIRECTORATE: COASTAL MANAGEMENT

Melissa Mackay

From: Nicola Valentine <nicolavalentine4@gmail.com>
Sent: Tuesday, 31 August 2021 10:01
To: atalijaard@plett.gov.za; rudimartinarchitects@gmail.com
Cc: Melissa Mackay; admin@jordaansmith.co.za
Subject: Registration and Objection to rezoning and subsequent development Erf 2103 Plettenberg Bay

To whom it may concern,

My name is George Bennett, owner of Erf 4136 Piesang Valley road and I hereby wish register a formal and very strong objection to the rezoning of ERF 2103 Piesang Valley road and subsequent building of a dog rescue, rehabilitation and training centre.

Whilst I am a great dog lover and owner of rescue dogs, I feel very strongly that this should absolutely not even be considered in a largely residential area.

As a very concerned resident I wish to object based on the following grounds. Let me start with the obvious reasons first and will then digress to the reasons that may not have been considered.

Noise pollution is obviously a really huge concern, any noise always seems extremely amplified in the Piesang Valley, even one barking dog can be hugely disturbing, imagine a whole yard of rather traumatised rescue dogs.

Secondly - hygiene is a legitimate concern. The cleanliness of the water table is already questionable - now there will be kennel and yards being cleaned and hosed down daily with the water all seeping right into the water table. Really not ideal for the water cleanliness and the effect this will have on the river life in the Piesang river.

A huge reason for my objection would be the impact this would have on the environment along the river. As a resident one property away I would like to tell you how absolutely beautiful and abundant the bird life is in the Valley. It is really quite an extraordinary variety of birds (and in some cases fairly rare) that reside and feed/hunt in the Piesang Valley - there is absolutely no doubt in my mind that a development of this nature would largely destroy this and the impact would be detrimental on the environment. When we built our house seven years ago we went to huge lengths and considerable cost to respect the Valley, its fauna and flora. With such a development this would all have been in vein.

We also have two beautiful resident Otters. They have been there a while and the valley has become very fond of them. So far we have been successful in protecting them and letting them reside happily along the bank of the river, their "holt" is not even 100m from the bank of the property in question. Again, this development for obvious reasons would definitely scare them away which would be extremely unfortunate and unnecessary.

As owners and residents in the Piesang Valley we are so passionate about protecting and preserving the environment that we recently, at vast expense, purchased the entire piece of land across the river to avoid development and destruction of that land, properties on that land would have had all the same effects and concerns as I have listed above.

With the threat of this development not only will our homes and residential property values be greatly decreased, but also the environmental impact would be disastrous.

On the grounds of the above concerns I strongly object and also would like to officially register my concerns about the dog rescue, rehabilitation and rescue centre.

Warmest regards

George Bennett
CEO

SA Mobile: +27 82 652 8526

Office Number: + 27 11 996 3500

Skype: George.bennett729



Comment on I&AP Project- House Vogel/ The Happy Place

I&AP- Jasmin Cloete

In my opinion, I believe that this is a good and well considered project. I like the idea that instead of building another residence in the area, the decision has been made to build a doggie daycare and rehabilitation facility on the property. With Erf 2103 already being located next to a residential area named Beacon Island Estate, it was a great choice to establish an Animal Care Facility instead, as building another residential area would cause friction and it will not result in the amount of customers the landowners would have wanted. Being located near a National Route and Secondary Road means that the doggie daycare and rehabilitation centre is easily accessible for people to visit. It is also pleasing to see that there is an existing road network servicing this area, with the road leading to the property being tarred and of good quality.

The Animal Care Facility is located at an ideal site because of:

- The wetland located next to the Animal Care Facility can be very beneficial to the site as it can improve the water quality and reduces the occurrence of floods.
- The Piesanng River, which is a perennial river, can also be very beneficial to the Animal Care Facility. It can be used for watering purposes in the garden of the Facility.
- The coastal rocks near the facility can serve as protection against flooding and reduces erosion of the shoreline.
- Instead of being exploited and cleared to make way for early agriculturists, the landscape around the settlement became transformed through cultivation. This can increase soil fertility and reduce soil erosion.

The impact assessment of this project is successfully done, and certain steps were made to ensure that no damage will be done to the environment, the plant species and archeological and/or heritage sites. I like the fact that all structures will be raised above the ground on stilts, to avoid digging up unearthen objects. Instead, everything will remain where it is and will therefore not be harmed during the construction process. Another benefit is that the runoff from the road drains will also run into a natural drainage system, and will therefore have no impact on the proposed development or natural sources at the site.

In conclusion, I think that Erf 2103 is a great area to build the Animal Care Facility “The Happy Place.”

Melissa Mackay

From: Melissa Mackay
Sent: Tuesday, 07 September 2021 1:22 PM
To: emmaconyngham8519@gmail.com
Subject: Erf 2103 Piesang Valley - Registration as an Interested & Affected Party

Good afternoon

RE: REGISTRATION AS AN INTERESTED & AFFECTED PARTY FOR ERF 2103 PIESANG VALLEY

Our telephonic discussion has reference. I hereby confirm that I have registered you as an Interested & Affected Party (I&AP) for the Environmental Assessment process for the proposed change from a single residential dwelling to a training, rescue and rehabilitation centre.

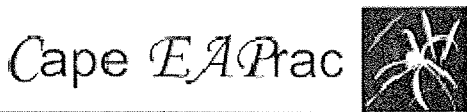
Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

Kindly view our [Privacy Statement](http://www.cape-eaprac.co.za) for more information (www.cape-eaprac.co.za).

Regards

Melissa Mackay | 084 584 7419
SENIOR CONSULTANT | ECO | GIS
BTech Nat. Con. (NMMU)

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To mda cape - eaprac. co.za.

Objection to the proposed rezoning and sub division for the proposed change in land use from Single Residential Dwelling to Training, Rescue & Rehabilitation Centre on Erf 2103, Piesang Valley, Plettenberg Bay

Date: __4th September 2021__

Reasons for Objections:

Dear Sirs

I reside in the River Club on the banks of the Piesang River, five houses down from the Klein Piesang River before it flows into the main river. Being in a small valley with a steep incline, any noise is magnified to an extreme. This is also the case over water. One can follow exact conversations of anybody across the river. The noise emanating from excitable dogs being trained and housed in kennels will be intolerable, constant and destroy the peace we enjoy in choosing to live where we do and have a negative impact on our property values. I applaud the concept of a housing and training facility for neglected animals. The noise level will be excruciating. Elsewhere, kennels are situated in the country or on small holdings precisely because of noise pollution and out of respect for neighbours being impacted. I am thoroughly against this proposal as we already have dog training on ERF 2098 across the river and experience the impact of the noise from this activity however it does not endure all day and night and thus we tolerate it.

I object to the proposal.

Yours sincerely,

Lady Conyngham Erf 8519 River Club Piesang Valley Plettenberg Bay 6600

L. Conyngham

Names: ___Lady Conyngham_____

Address: ___Erf 8519 River Club

___Piesang Valley Plettenberg Bay 6600_____

Tel: ___044 533 5178_____

Melissa Mackay

From: KERISHNIE NADINE FILANDER <3738415@myuwc.ac.za>
Sent: Wednesday, 08 September 2021 09:35
To: Melissa Mackay
Subject: Registering as an I&AP

Good Morning

My name is Kerishnie Filander. I am an honours student at the University of the Western Cape, majoring in environmental management.

I came across your website when searching for possible projects to register for. I would like to ask if I may still register as an I&AP for the project: House Vogel/ The Happy Place?

I hope to hear from you soon.

Kind Regards
Kerishnie

Disclaimer - This e-mail is subject to UWC policies and e-mail disclaimer published on our website at: <https://www.uwc.ac.za/disclaimer>

Project: House Vogel/The Happy Place.

Name: Kerishnie Filander (Student @ UWC).

I&AP Comments:

Firstly, I would like to express just how well thought out and developed this project is. This is indeed an exceptional project. All the assessments are well planned, leaving little room for error. I have a special interest in water sources, especially when it could possibly be impacted on by developments. Another interest that sparked while going through the screening report was the relatively high environmental sensitivity that the aquatic biodiversity theme has. This is evidently because of the estuary and wetland environment just a few meters from the project site.

The site development plans was set out well and all construction activities remained outside the 20 m wetland buffer. All the impacts and concerns that was raised in the *Updated Wetland Assessment Report* was mitigated effectively. However, I personally still feel like 20 m outside a landform as sensitive as a wetland is still too close for comfort. I am aware that if the buffer was to be extended that it would take away some space specifically designed for construction purposes. Also, considering that the *Updated Wetland Assessment Report* does make exceptional recommendations to alleviate the impacts that this development may have on the wetland, I just have one concern regarding the proximity of the wetland to the project site:

The most horrific impact on a wetland would be habitat loss this may be possible through removing the vegetation on the wetland bank to pave a way for access, if needed. I know that in the *Updated Wetland Assessment Report* it is stated that the current layout of the project (i.e. being 20 m away from the wet land) would minimise any the loss of wetland habitat. Would it still be considered to remove vegetation from the wetland bank if access was required? Knowing it can cause habitat loss. Why would this even be considered?

I think that the decision not to build the residence and leasing the property to a rescue and rehabilitation group who will set up a dog day care and rehabilitation facility on the property was a good idea and would be an ideal project for the area. The impact assessments done for the project to ensure that no damage is being done in the area and that there are no constraints for the project to move forward was done successfully. What is favourable to me about the proposed amendment plan is that it will not require a basement like the residence that was going to be built before, and the facilities for the dog day care will be on stilts which will then reduce the potential for digging up any artefacts in the area. There is an existing road network in this area and the roads leading to this area is of good quality and any changes being made to the surrounding road network because of the proposed development would be acceptable and successful if done according to the conditions put down in the traffic impact assessment, which will essentially be beneficial for the proposed project and the surrounding road networks. Another thing that is favourable for the development of the project is that runoff from the road would drain into a natural drainage system which won't affect the proposed development. I particularly like the fact that the wetland buffer on the Piesang River was upgraded and reserving the indigenous vegetation outside of the development area provides the species in the surrounding area with sufficient habitat. The improvement of the remnant tidal channels was also a good idea as it improved the water quality and habitat of the environment. Therefore, doing the wetland impact assessment for this project was beneficial as it brought about many pros for the surrounding environment.

Registered I&AP – Gafietha Kadir



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SEARCH CRITERIA

Search Date	2021/09/21 10:09	Erf Number	2133
Reference	LE ROUX	Portion Number	-
Report Print Date	2021/09/21 10:15	Township Remaining Extent	NO
Township	PLETTENBERG BAY	Search Source	Deeds Office
Deeds Office	Cape Town		

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T265/1911
Township	PLETTENBERG BAY	Local Authority	MUN PLETTENBERG BAY
Erf Number	2133	Province	WESTERN CAPE
Portion Number	0	Remaining Extent	NO
Registration Division	NOT AVAILABLE	Extent	37068 H
Previous Description	-	LPI Code	C03900080000213300000

OWNER INFORMATION (1)

ROUX JOSEPHUS JOHANNES LE		Owner 1 of 1	
Person Type	PRIVATE PERSON	Document	T40247/2005
ID Number	5108295042085	Microfilm / Scanned Date	-
Name	ROUX JOSEPHUS JOHANNES LE	Purchase Price (R)	450 000
Multiple Owners	NO	Purchase Date	1999/01/01
Multiple Properties	NO	Registration Date	2005/05/24
Share (%)	-		

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	B93115/2007	A B S A BANK LTD	5 000 000	-

HISTORIC DOCUMENTS (1)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	T17195/1959	ROUX HELENA LE	-	2005 1465 2341

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PO Box/Posbus 57, Plettenberg Bay/Plettenbergbaai, 6600 • 8 High Street, Plettenberg Bay/Plettenbergbaai, 6600

Our ref / Ons verw: G JORDAAN/LIEZL/R1398/20
Your ref / U verw:

21 September 2021

CAPE EAPrac

Attention: Mellissa Mackay

mel@cape-eaprac.co.za

CC:

The Municipal Manager

Bitou Municipality

Municipal Offices

PLETTENBERG BAY

astander@plett.gov.za

Dear Sir/Madam

JOSEPHUS JOHANNES LE ROUX, // PART 2 AMENDMENT APPLICATION OF THE EXISTING ENVIRONMENTAL AUTHORISATION FOR HOUSE VOGEL / THE HAPPY PLACE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY

OBJECTION TO APPLICATION

1. We refer to the above matter and confirm that we act herein on behalf of **JOSEPHUS JOHANNES LE ROUX, owner of Erf 2133 Plettenberg Bay.**
2. Our client's property is situated directly adjacent on the western border to the subject property for the abovementioned application.
3. We confirm that we hold instructions to formally object to and oppose the proposed change in land use from single residential dwelling to a training, rescue and rehabilitation centre for animals.



4. We record our clients' objections, *ad seriatim*, as follows:

Locus standi

5 Our client in this regard is an interested and affected party. He is the owner of Erf 2133 directly adjacent to the property being erf 2103.

6 In **BEF (Pty) Ltd v Cape Town Municipality** 1983 (2) SA 387 (C) at 401 Grosskopf J stated:

"The purpose to be pursued in the preparation of a scheme suggests to me that a scheme is intended to operate, not in the general public interest, but in the interest of the inhabitants of the area covered by the scheme, or at any rate those inhabitants who would be affected by a particular provision. And by 'affected' I do not mean damnified in a financial sense. 'Health, safety, order, amenity, convenience and general welfare' are not measurable in financial terms. Buildings which do not comply with the scheme may have no financial effect on neighbouring properties, or may even enhance their value, but may nevertheless detract from the amenity of the neighbourhood and, if allowed to proliferate, may change the whole character of the area..."

7 It is submitted that our client has the necessary *locus standi* to object to the current application.

Rezoning

8 The purpose of zoning is to create different categories of directions that set out the purpose for which land situated in the area covered by a town planning scheme may be used and the land use restrictions applicable in each category as determined by relevant scheme regulations.

9 From a town planning perspective the control over the utilisation of land customarily involves the allocation of the same use rights to all properties in a particular area so that

one will have areas set aside for residential use, other for commercial use and yet others for industrial use, and so forth.¹

10 Zoning is a limitation or condition restricting the exercise of ownership.²

11 The purpose of zoning is the creation and retention of the specific character of an area. Such purpose would be frustrated if a use were allowed for which no provision is made in the town planning scheme or if a person uses land contrary to the purpose for which it is zoned.³

12 The zoning scheme provisions are intended to regulate land use and development so as to promote the co-ordinated and harmonious use of land.⁴ In other words, to protect the amenity of the surrounding neighbourhood.

13 The area in which erf 2103 is situated does have a variety of zoning categories. They consist of single residential, commercial and agricultural. The commercial area is situated in close proximity to erf 2103 together with residential developments. Our client's property remains zoned as agricultural I.

14 Should the applicant's property be rezoned it will adversely affect the character of the current surrounding area in that it will result in an inappropriate use of property within an area predominantly utilised for residential purposes. This aspect is extremely important to take into consideration as it is the residents of piesang valley as well as our clients who will have to endure the negative effects of having an animal rescue and kennel facility on their doorstep. It follows logically that the amenities of the neighbourhood will also be negatively impacted. Our client's current peaceful use of his property will be disturbed for the foreseeable future in that their current tranquil setting will be replaced with excessive noise pollution from the animals being kept at the facility.

¹ *Intercape Ferreira Mainliner (Pty) Ltd and Others v Minister of Home Affairs and Others* 2010 (5) SA 367 (WCC) para 105.

² *Pick 'n Pay Stores Ltd and others v Teazers Comedy and Revue CC and Others* 2000 (3) SA 645 (W) 656H.

³ *Pick 'n Pay Stores-supra* at 656G. See also *Power Road Taxi Developers (Pty) Ltd v MEC Local Government and Housing, Free State Province and Others* [2007] ZAFSHC 9 (8 February 2007) para 59.

⁴ *Camps Bay Residents and Ratepayers Association and Others v Hartley and Others* [2010] ZAWCHC 215 (16 November 2010) para 23.

15 These disturbances may include:

- a. noise at all hours of the day and weekends (24/7);
- b. Bad odour emanating from the property due to excessive waste from the animals;
- c. A reduction in the natural fauna and flora in the area due to the disturbances that will emanate from the dog rescue and rehabilitation facility;
- d. All the abovementioned factors will lead to an overall decrease in value of our client's property as well as the other property owners in the vicinity.

Traffic and access

16 Piesang Valley road is one of three of Plett's access points to the N2. The portion of the road that leads from the N2 down the hill to the Country Club entrance is fairly wide to handle the current traffic.

17 The portion of the Piesang Valley Road between Greenwood Bay College's entrance extending to the Robberg Road turn-off is of particular concern. This section of road is very narrow with no area for pedestrians and cyclists. Morning traffic is already a major concern especially around the school entrances. Vehicles are often stationary while waiting to enter the school entrances, the Plettenberg Bay Veterinary Clinic's entrance directly across from The Reef Playschool's entrance as well as Barrington's entrances are already causing major issues. These issues have been slightly decreased with the recent wideing and insertion of a joint entrance and turning lane for GBC and the Reef. However, the area in general still has many entrances and exits which do result in the slow of traffic and generally raises the risk of accidents and the risk of pedestrians to be run over by vehicle. By changing the zoning from single residential to allow for the intended animal shelter facility will without doubt increase traffic and increase the risk of accidents. The municipality should cause a proper study to be done of the entire length of the Piasang Valley road to establish whether there are areas of concern where the road can further be widened before allowing more residential properties to be converted to businesses that will lead to further congestion and accidents in future.

18 It is important to note that this road is also utilized by persons walking their children to school, cyclists and many pedestrians making their way to and from their respective work locations. The street is extremely dangerous and constitutes a safety risk to motorists and pedestrians alike. An increase in traffic could possibly lead to a loss of life.

Nuisance

19 It is submitted that by granting approval for the planning application and thereby allowing the animal rescue facility with kennels to proceed on the property, it would subject our client and his family to noise pollution that will exceed that which is reasonable. In other words, it will constitute an unreasonable annoyance greater than a normal person can be expected to endure.

20 The test of reasonableness should be applied taking into account the general norms acceptable to the particular society. The test is one of reasonableness⁵. This is so because a neighbour has to tolerate the natural consequences of the ordinary use of the land⁶. In this regard the neighbouring properties expected living in a tranquil setting, but are now facing the prospect of living next door to a commercially operated animal rescue, rehabilitation and training area.

21 It is obvious but must be mentioned that dogs that go to rehabilitation centres and animal rescue centres are often dogs that are problematic for their owners to handle. We are by no means saying that these animals do not deserve treatment and love and respect and given a fair chance to be rehabilitated. We are of the strong opinion that the area in which this property is situated is not appropriately situated where such business can run in harmony without negatively affecting the constitutionally guaranteed rights of property owners in the direct vicinity. We further respectfully submit that it is difficult to keep one dog under control and to not let it become a nuisance to neighbours by excessive barking. It is an impossible task to keep 10 to 20 dogs under control and prevent them from barking and disturbing the residential area in which they would be situated should the applicants be successful in this application.

⁵ Malherbe v Ceres Municipality 1951 (4) SA 510 (A) at 517 - 18

⁶ Bingham v City Council of Johannesburg 1934 WLD 180 on 184 and Malherbe v Ceres Municipality (supra at 517A - 518E).

- 22 Further to the above, the animals at the shelter will create an abundance of waste. The applicant intends to make use of a biogas plant to generate electricity from the waste. One of the unintended repercussions of such plant is an excess of foul odour which will be to the detriment of the applicant's neighbours.
- 23 The above expected nuisance caused by the animals on the property will be unreasonable and more than what can be expected as being reasonable for our client and the residents of the area to accept. It is further submitted that the nuisance created will impact on our clients' rights as entrenched in section 10 and 24 of the Constitution of the Republic of South Africa 108 of 1996.

Removal of restrictive title deed condition

- 24 Restrictive conditions are for the reciprocal benefit of the owners.⁷
- 25 Any variation of conditions amounts to an interference with the rights of holders of the neighbouring properties and seriously affects the amenities of such properties and their values.⁸
- 26 Restrictive conditions should not be removed where the character of the area will be detrimentally affected by the removal.
- 27 When assessing whether or not to grant the removal of a restrictive condition the personal interests of the applicant is irrelevant. What is of consequence are the interests of the broader neighbouring properties or public.⁹
- 28 Test for the removal of a restrictive condition is a positive one, not a negative one. In other words, the test is the presence of a positive advantage which will be served by granting the application, not the absence of a negative disadvantage. The fact that the

⁷ Ex parte Gold 1956 (2) SA 642 (T) 647C; BEF-supra; Malan and Another v Ardconnel Investments (Pty) Ltd 1988 (2) SA 12 (A) 39G.

⁸ Rossmore Mansions (Pty) Ltd v Briley Court (Pty) Ltd 1945 AD 217, 228.

⁹ Camps Bay Ratepayers and Residents Association and Others v Minister of Planning, Culture and Administration, Western Cape 2001 (4) SA 294 (C) 320J – 321C.

removal may not be undesirable does not in logic mean that such removal is as in fact desirable.¹⁰

29 The applicant seeks the restrictive condition to be removed in his own interests. This does not satisfy the test as set out above.

30 The application for the removal of the restrictive title condition should not succeed.

Diminishing property value

31 Approving the change of zoning application will have an immediate negative impact on our client's property value, for the reasons state herein-above. Should the application be successful, they will have to endure endless noise pollution and other nuisances. If they find it intolerable, they may opt to sell their property and the value of which will have decreased as a direct result of having to have to endure the noise pollution emanating from the neighbouring animal rescue and rehabilitation centre.

32 Should the proposed business be continued with, it will result in the diminishing value of all properties within earshot of Erf 2103 as living in that area will involve having to have to endure excessive noise pollution one would not expect to experience in a residential area.

Conclusion

33 In the premise, it is respectfully submitted on behalf of our clients that the application for altering the zoning from residential one to allow for the animal shelter and rehabilitation centre should not be approved for the reasons contained herein. Approval thereof will result in a detrimental effect in numerous ways as provided herein above to our client and his family, as well as the persons living in the residential area.


Yours faithfully

GERARD JORDAAN

¹⁰ Camps Bay Ratepayers-supra

Melissa Mackay

From: Oliver Rissik <olrissik@iafrica.com>
Sent: Friday, 27 August 2021 17:04
To: Melissa Mackay
Cc: Gaylard Peter; Marshall Margaret; 'Rudi Martin'
Subject: FW: Part 2 Amendment Application for Erf 2103 Piesang Valley
Attachments: BIT517.13 Amendment Report Notification 18Aug21.pdf

Dear Ms Mackay,

As per your instruction on page 3 of the attachment, would you kindly re-confirm our registration as an Interested and Affected Party in order that we continue to participate in the Environmental Assessment process.

Our e-mail is info@plettratepayers.co.za, our postal address is P O Box 162, Plettenberg Bay, 6600, phone number is 044 533-4387 and cell 082 970 7291 (Secretary).

Yours, O Rissik for Plettenberg Bay Ratepayers and Residents Association.

From: Melissa Mackay [<mailto:mel@cape-eaprac.co.za>]
Sent: 18 August 2021 01:36 PM
To: Melissa Mackay
Subject: Part 2 Amendment Application for Erf 2103 Piesang Valley

Good afternoon

RE: PART 2 AMENDMENT APPLICATION OF THE EXISTING ENVIRONMENTAL AUTHORISATION FOR HOUSE VOGEL / THE HAPPY PLACE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY

Please find attached notification of the availability of the Draft Part 2 Amendment Assessment Report for the change in land use from an authorised single residential dwelling to a training, rescue & rehabilitation centre for animals on Erf 210 Piesang Valley, Plettenberg Bay. As a key stakeholder, neighbouring property owner, relevant authority and previously registered **Interested & Affected Party (I&AP)**, you accordingly being provided with the opportunity to review and comment the Part 2 Amendment Application. Should you no longer wish to be registered as an I&AP for this project, please notify this office in writing.

The comment period on this application commences on **Monday 23 August 2021** for a period of 30 days.

The documents can be downloaded from the following WeTransfer link and the Cape EAPrac website:

WeTransfer: [Click here](#)

Website: [Click here](#)

Please Note: When registering as an Interested and Affected Party (I&AP), you consent to the lawful processing of personal information in relation to the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013). Your information will be used for this project, or any

future project where you are identified as an I&AP. You also agree that by submitting comment to inform this process, your contact details will, where required by a public body, be reflected in our regulated reports that must be compiled and submitted to the general public, registered stakeholders, organs of state as well as the competent authority for consideration and decision-making.
Kindly view our Privacy Statement for more information.

Regards

Melissa Mackay | 084 584 7419
SENIOR CONSULTANT | ECO | GIS
BTech Nat. Con. (NMMU)

T: 044 874 0365
F: 044 874 0432
17 Progress Street, George
PO Box 2070, George 6530



In the interest of resource conservation please reconsider printing this email.

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COVID -19 Operational Notice



Our office is fully operational



We confirm that we comply with the government's guidance on managing the risk of Covid-19



BREED-GOURITZ

CATCHMENT MANAGEMENT AGENCY

101 York Street 3rd Floor Rm 302 George 6530, P.O. Box 1205 George 6530

Enquiries: R Mphahlele

Tel: 023 346 8000

Fax: 044 873 2199

E-mail: rmphahlele@bgcma.co.za

REFERENCE: 4/10/2/K60EERF 2103, PIESANG VALLEY, PLETTENBERG BAY

Date: 27/09/2021

Cape Environmental Assessment Practitioners (Pty) Ltd
PO Box 2070
GEORGE
6530

Good day

RE: DRAFT PART 2 AMENDMENTREPORT FOR THE PROPOSED CHANGE IN LAND USE FROM SINGLE RESIDENTIAL DWELLING TO TRAINING, RESCUE AND REHABILITATION CENTRE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY

Reference is made to the above mentioned report received by this office for comments with respect to the proposed development.

This office comments are as follows and should be adhered to:

1. The construction works related to the Training, Rescue and Rehabilitation center and associated infrastructure which are located within the regulated area of a watercourse will trigger water uses in terms of section 21 (c) & (i) of the National Water Act, 1998 (Act 36 of 1998). These section refers to the impeding or diverting the flow of water in a watercourse and altering the bed, banks, course or characteristics of a watercourse respectively. Similarly, if the water to be used for animals watering will be sourced from a water resource, this will trigger a water use in terms of section 21 (a) of NWA.

"regulated area of a **watercourse**" refers to:

- (a) The outer edge of the 1 in 100-year flood line and /or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam;
- (b) In the absence of a determined 1 in 100-year flood line or riparian area the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the Act); or
- (c) A 500 m radius from the delineated boundary (extent) of any wetland or pan

A **water resource** refers to water course, surface water, estuary or aquifer.

2. As required by section 22 of NWA, a Water Use Authorisation is required prior commencement with any water use activity contemplated in section 21 of NWA. Moreover, commencement with


**RE: DRAFT PART 2 AMENDMENTREPORT FOR THE PROPOSED CHANGE IN LAND USE
FROM SINGLE RESIDENTIAL DWELLING TO TRAINING, RESCUE AND REHABILITATION
CENTRE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY**

any water use activity without an authorization as required by section 22 of NWA constitute an offence in terms of section 151(1) (a) of NWA. In terms of section 151(2) of NWA, any person who contravenes is guilty of an offence and liable, on first conviction to a fine or an imprisonment of a period not exceeding five years or both such a fine and imprisonment.

3. In light of the above, you are advised that the onus remains with the property owner to adhere to the NWA, prior to commencement with any water use contemplated in section 21 of NWA that may be triggered by the proposed development.
4. This office can be contacted for further information related to the requirement for, or the application for a Water Use Authorization.

Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.

Yours faithfully,



pp MR. JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)
Date: 27/09/2021



Melissa Mackay

From: Melissa Mackay
Sent: Tuesday, 14 September 2021 09:12
To: Nick Rabjohn
Subject: RE: Erf 2103 Piesang Valley

Good morning

Thank you for your prompt reply. I hereby confirm that I have registered you for the EIA process for this proposal.

Regards

Melissa Mackay | 084 584 7419
SENIOR CONSULTANT | ECO | GIS
BTech Nat. Con. (NMMU)

T: 044 874 0365
F: 044 874 0432
17 Progress Street, George
PO Box 2070, George 6530



Cape EA Prac  01

To: Melissa Mackay <melissa@cape-eaprac.co.za>
Subject: Re: Erf 2103 Piesang Valley

Thank you - yes I would like to register as affected party for the duration of the process please.

Thank you

Sent from my iPhone

On 14 Sep 2021, at 08:58, Melissa Mackay <melissa@cape-eaprac.co.za> wrote:

Good morning

Thank you for your email. I have also provided your objection for the rezoning and subdivision to the planner. We are facilitating the Environmental Assessment process. As such please advise if you want to register as an Interested & Affected Party for the duration of this process.

Please note that in light of the new Protection of Personal Information Act (POPIA), we are only allowed to collate and use any comments from formally registered Interested & Affected Parties (I&APs) only. This was clarified by the Department of Environmental Affairs & Development Planning.

Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

Kindly view our [Privacy Statement](http://www.cape-eaprac.co.za) for more information (www.cape-eaprac.co.za).

Regards

Melissa Mackay | 084 584 7419

SENIOR CONSULTANT | ECO | GIS

BTech Nat. Con. (NMMU)



Cape EAPrac



T: 044 874 0365

F: 044 874 0432

17 Progress Street, George

PO Box 2070, George 6530

From: Nick Rabjohn <nick@wws.co.za>

Sent: Tuesday, 14 September 2021 08:56

To: Melissa Mackay <melissa@cape-eaprac.co.za>

Subject:

Objection Letter

Kind Regards

Nick

[Email Disclaimer](#) | [Digital Brochure](#)

The logo for Worldwide Sports, with "Worldwide" in a large, stylized font and "SPORTS" in a smaller, bold font below it.	Nick Rabjohn Managing Director	A white Facebook 'f' logo on a dark circular background.A white Twitter bird logo on a dark circular background.
A white telephone handset icon on a dark background.	A white envelope icon on a dark background.	A white location pin icon on a dark background.
Cell: (082) 440 1036 Tel: (011) 442 7510	Email: nick@wws.co.za Web: www.wws.co.za	38 Monte Carlo Crescent, Kyalami Business Park

Objection to the proposed rezoning and sub division for the proposed change in land use from Single Residential Dwelling to Training, Rescue & Rehabilitation Centre on Erf 2103, Piesang Valley, Plettenberg Bay

Date: ____14 /9/2021_____

Reasons for Objections:

My Home is in close proximity to the proposed development and would be adversely affected by the noise pollution of dogs being kennelled on the premises. Dog held in enclosures can often continuously bark and this would be very disturbing to the residents in close proximity to them.

Names: _____N Rabjohn_____

Address: _____4181 River Club_____

Tel: _____0824401036_____

Melissa Mackay

From: Melissa Mackay
Sent: Monday, 20 September 2021 16:17
To: 'Joyce Sewry'
Subject: RE: Objection: Erf 2103 Plettenberg Bay

Good afternoon

Thank you for your email. I hereby confirm that I have registered you as an I&AP and your comments will be collated and included in the submission to the competent authority for decision making.

Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

Kindly view our [Privacy Statement](http://www.cape-eaprac.co.za) for more information (www.cape-eaprac.co.za).

Regards

Melissa Mackay | 084 584 7419
SENIOR CONSULTANT | ECO | GIS
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T: 044 874 0365
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17 Progress Street, George
PO Box 2070, George 6530



Cape EAPrac



57

To: Melissa Mackay <melissa@cape-eaprac.co.za>

Subject: RE: Objection: Erf 2103 Plettenberg Bay

Dear Melissa

Yes, I do want to be registered as an Interested and Affected Party.

Regards

Joyce



RHODES UNIVERSITY
Where leaders learn

Mrs Joyce Sewry

Senior lecturer: Department of Chemistry
Deputy Dean: Faculty of Science

t: +27 (0) 46 603 8259
Department of Chemistry, Rhodes University
Cnr of University and Artillery Road,

Makhanda, 6139
PO Box 94, Makhanda, 6140, South Africa
<https://www.ru.ac.za/chemistry/>
<https://orcid.org/0000-0003-1851-4504>

From: Melissa Mackay <melissa@cape-eaprac.co.za>
Sent: Monday, 20 September 2021 15:46
To: Joyce Sewry <j.sewry@ru.ac.za>
Subject: RE: Objection: Erf 2103 Plettenberg Bay

Good afternoon

Thank you for your email. Please advise if you want to register as an Interested & Affected Party for the duration of this Environmental Impact Assessment process.

Please note that in light of the new Protection of Personal Information Act (POPIA), we are only allowed to collate and use any comments from formally registered Interested & Affected Parties (I&APs) only. This was clarified by the Department of Environmental Affairs & Development Planning.

Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

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Regards

Melissa Mackay | 084 584 7419
SENIOR CONSULTANT | ECO | GIS
BTech Nat. Con. (NMMU)



Cape EAPrac



T: 044 874 0365
F: 044 874 0432
17 Progress Street, George
PO Box 2070, George 6530

From: Joyce Sewry <j.sewry@ru.ac.za>
Sent: Monday, 20 September 2021 15:43
To: Melissa Mackay <melissa@cape-eaprac.co.za>
Subject: Objection: Erf 2103 Plettenberg Bay

Dear Ms Mackay

Please see attached for my letter of objection to the development on Erf 2103.
Please acknowledge receipt

Regards
Joyce



Mrs Joyce Sewry

Senior lecturer: Department of Chemistry
Deputy Dean: Faculty of Science

t: +27 (0) 46 603 8259

Department of Chemistry, Rhodes University
Cnr of University and Artillery Road,
Makhanda, 6139

PO Box 94, Makhanda, 6140, South Africa

<https://www.ru.ac.za/chemistry/>

<https://orcid.org/0000-0003-1851-4504>

Objection to the proposed rezoning and sub division for the proposed change in land use from Single Residential Dwelling to Training, Rescue & Rehabilitation Centre on Erf 2103, Piesang Valley, Plettenberg Bay

Date: 20 September 2021

Reasons for Objections:

Context:

The context of Piesang River Valley is key in any application for any form of development. Currently, the area comprises a complex (River Club) specifically nestled between the hills, the Piesang River and Piesang River Valley Road. River Club prides itself in providing a quiet, peaceful and tranquil home for permanent residents and a getaway home for those who live elsewhere in the country.

Apart from River Club, a handful of country homes/estates can be found in the area.

It is unquestionably so that all owners purchased properties with the following in mind:

- Tranquillity of the area
- Bird life of the area

A large training, rescue and rehabilitation centre for traumatised dogs represents the very antithesis of what should be erected in the area.

It is unquestionably so, and by definition, that a training, rescue and rehabilitation centre will negatively impact on the environment.

Proposed Development:

The plans provided show that there will be:

- a) Rehabilitation Centre. It not clear what will be rehabilitated here. More clarity on this is requested.
- b) 815 m² of boardwalks and decking for the dwelling.
- c) A pavilion, decking, and boardwalk and substantial parking area for guests. If this is a rehabilitation centre, why should there be a pavilion for entertaining guests? This gives the impression that some form of entertainment for people will also take place on this property.
- d) 13 dog kennels in total; There is no indication as to how many dogs will be accommodated in these kennels. When dogs are housed in kennels in this sort of establishment, they often bark and howl a lot, especially if they are rescue dogs who are traumatised. This would have at least an irritating noise pollution effect and at most be distressing to all in the neighbourhood. The fact that the kennels are on stilts will have the effect of noise travelling so much further. In this regard, section 7 (1), 10 (1) (a) and 21(2) of the Bitou Municipality by-Law relating to prevention of Public Nuisances and Public Nuisances arising from the keeping of animals is pertinent¹.

¹ 7. Visibility of structures on premises

(1) All structures in which animals are kept must be suitably screened from any street.

10. Duties of owner or keeper of animal

(1) The owner or keeper of an animal – (a) may not cause or allow an animal to interfere with the comfort, convenience, peace or quiet of other people;

- e) A manager's dwelling, which has a basement
- f) 2 labourers' cottages.
- g) A training centre. What/who will be trained here?

Questions:

What will be rehabilitated here?

What/who will be trained here? What kind of training? How often?

How many people will be staying on the property?

This development has the potential of being loud, noisy and disruptive to the quiet neighbourhood, with the number of kennels on the property.

Guests will be entertained on the pavilion. This will lead to more noise and more traffic as well.

Names: Mrs Joyce D. Sewry

Address: 4178 River Club
Piesang Valley Road
Plettenberg Bay

Tel: 0845044432

21. Permission to operate

(2) The person operating a kennel, cattery, pet shop or pet parlour may not conduct the business in such a manner so as to cause any nuisance or annoyance to other people.

Melissa Mackay

From: Megan Simons <msimons@capenature.co.za>
Sent: Tuesday, 21 September 2021 13:50
To: Melissa Mackay
Subject: Draft Part 2 amended Assessment Report for the Proposed change in land use from single residential dwelling to training, rescue and rehabilitation centre on Erf 2103, Piesang Valley in Plettenberg Bay
Attachments: Erf 2103_Amended EA_Plattenberg Bay_20210921.pdf

Dear Melissa,

I trust you are well.

Kindly find attached comments from CapeNature for the Draft Part 2 Amended Assessment Report for the Proposed change in land use from single residential dwelling to training, rescue and rehabilitation centre on Erf 2103, Piesang Valley in Plettenberg Bay.

Have a good afternoon.

Kind Regards,

Megan Simons
Land Use Scientist – Landscape East
Conservation Operations: Conservation Intelligence



tel +27 87 087 3060 | fax +27 44 802 5313 |
email msimons@capenature.co.za | postal Private Bag X6546, George, 6530
physical 4th Floor, York Park Building, York Street, George, 6530
www.capenature.co.za

postal Private Bag X6546, George, 6530
physical 4th Floor, York Park Building, York Street, George
6530
website www.capenature.co.za
enquiries **Megan Simons**
telephone +27 87 087 3060 fax +27 44 802 5313
email msimons@capenature.co.za
reference LE14/2/6/1/6/1/ERF2103_Amended EA_
date 21 September 2021

Cape EAPrac,
P.O Box 2070,
George,
6530

Attention: Ms Melissa Mackay
By email: (mel@cape-eaprac.co.za)

Dear Ms Melissa Mackay

**DRAFT PART 2 AMENDED ASSESSMENT REPORT FOR THE PROPOSED CHANGE IN
LAND USE FROM SINGLE RESIDENTIAL DWELLING TO TRAINING, RESCUE AND
REHABILITATION CENTRE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY,
BITOU LOCAL MUNICIPALITY, WESTERN CAPE.**

DEA&DP reference: 16/3/3/5/D1/13/0003/21

CapeNature would like to thank you for the opportunity to review your application on Erf 2103 in Plettenberg Bay. The following amendment is proposed as extracted from the amended assessment report:

“The holder of the EA and owner of Erf 2103 Piesang Valley, Ms Saskia Vogel wishes to amend the current EA for a single residential dwelling to provide a day care, training and rehabilitation centre for domestic animals (particularly dogs and cats). Two cottages will be utilised for staff accommodation and a separate unit for the training centre. The rescue facility will replace the single residential development as approved.”

Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

CapeNature commented in detail on the Draft Basic Assessment Report (CapeNature Reference: 14/2/6/1/6/1_BITO/2103_2018CF011).

Following a review of the amended assessment report and appendices, CapeNature wishes to make the following additional comments:

1. CapeNature acknowledges that the proposed (and amended) development is outside the extent of Critical Biodiversity Areas.

2. The updated National Biodiversity Assessment (2018)¹ mapped the proposed development area as Non-terrestrial (Estuarine Functional Zone), South Outeniqua Sandstone Fynbos (LC) and Garden Route Shale Fynbos (VU) to the north and south of the site, respectively.
3. CapeNature recommend obtaining comments from the Department of Forestry, Fisheries and Environment (DFFE) if any protected trees² will be disturbed. CapeNature will not object to the findings\recommendations as DFFE is a custodian of forestry resources in South Africa.
4. In terms of the monitoring guidelines areas susceptible to erosion or bare soil should be protected by installing the necessary temporary structures.
5. CapeNature recommends that all topsoil stockpiles be less than 1.5m in height and have adequate signage to illustrate which are topsoil and subsoil for rehabilitation purpose. Furthermore, caution must be applied to ensure that the topsoil is not contaminated.
6. Only indigenous vegetation must be used for rehabilitation. Thus, the applicant must be conscious of the NEM:BA Alien and Invasive Species List³ and should not use or rehabilitate using listed alien and invasive plant species. CapeNature will not support the introduction of non-indigenous species.
7. The influence of local climate change on the proposed development area must be considered, especially the change in climate could either increase the flow which can result in flooding or decrease the flow of water. Local weather data can be used to assesses the impacts and measures to mitigate these changes must be included.
8. Fences should be visible to wildlife, including birds, by fitting reflective or colorful weather-resistant flags (e.g., aluminum or plastic strips) to the wire.
9. CapeNature would like to remind the landowner that in terms of section 12 (1) and 2 (a) of National Veld and Forest Act⁴ that an adequate firebreak must be prepared and maintained around the property to reasonably prevent the spread of unwanted fires in the area. Therefore, we recommend that the owner, if not registered yet, apply for membership with the Southern Cape Fire Protection Association (SCFPA) to assist and guide on the timeframes for ecological burns.
10. Waste generated must be away from the watercourse to avoid any waste in the aquatic system. Furthermore, bins and waste skips must be baboon proof. Waste should be removed from the entire site and not only the development footprint. Waste generated by the development must be stored on site until it is removed to a registered facility. Implement the integrated waste management approach that addresses waste avoidance, reduction, re-use, recycling, recovery, treatment, and safe disposal as a last resort.⁵

¹ Skowno, A. L., Poole, C. J., Raimondo, D. C., Sink, K. J., Van Deventer, H., Van Niekerk, L., Harris, L. R., Smith-Adao, L. B., Tolley, K. A., Zengeya, T. A., Foden, W. B., Midgley, G. F. and Driver, A. 2019. National Biodiversity Assessment 2018: The status of South Africa's ecosystems and biodiversity. Synthesis Report. Pretoria, South Africa. 214 pp.

² Notice of the List of Protected Tree Species under the National Forest Act, 1998 (Act No. 84 of 1998)

³ National Environmental Management: Biodiversity Act 2004 (Act No. 10 of 2004). Alien and Invasive Species Lists, 2016. Government Gazette no. 864

⁴ National Veld and Forest Act 1998 (Act 101 of 1998) Government Gazette: 19515

⁵ National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008). Consultation on the draft revised and updated national waste management strategy. 2019.

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

11. CapeNature reminds the applicant of Section 28 of National Environmental Management Act (NEMA) (Act 104 of 1998 as amended) (Duty of Care) that states the following:

“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”

Any action that causes wilful degradation of the environment may therefore constitute a breach of this Duty of Care and the penal provisions of NEMA will apply.

In conclusion, erecting infrastructure near sensitive and/or aquatic habitats must be prohibited. Thus, the development must remain outside the 20 m aquatic buffer. The remaining areas must be managed inline with the recommendation for degraded Ecological Support Areas. If all proposed mitigation measures are implemented and the construction remains within the development footprint and transformed areas, as far possible then CapeNature does not object to the proposed amended application.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely,



Megan Simons
For: Manager (Landscape Conservation Intelligence)

Melissa Mackay

From: Mandie Truter <mandie@plettenbergbay.com>
Sent: Tuesday, 31 August 2021 13:26
To: Melissa Mackay
Subject: Re: objection letter erf 2103
Attachments: mandie.vcf

Dear Melissa

Please register us .

Kind regards

Mandie Truter

Tel: 044 533 2505
Mobile: 083 658 8075

On 31/08/2021 11:22 am, Melissa Mackay wrote:

> Good morning Mandie

>

> Thank you for your email. I will pass your objections on to the planner in terms of the rezoning application. Please note that this office is responsible for the Environmental Assessment related to this property.

>

> Please confirm if you would like to be registered for this process.

>

> Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

> Kindly view our Privacy Statement for more information (www.cape-eaprac.co.za).

>

> Regards

>

> Melissa Mackay | 084 584 7419

> SENIOR CONSULTANT | ECO | GIS

> BTech Nat. Con. (NMMU)

>

> T: 044 874 0365

> F: 044 874 0432

> 17 Progress Street, George

> PO Box 2070, George 6530

>

> -----Original Message-----

> From: Mandie Truter <mandie@plettenbergbay.com>

> Sent: Tuesday, 31 August 2021 11:02 AM

> To: Melissa Mackay <mel@cape-eaprac.co.za>

> Subject: objection letter erf 2103

>

Objection to the proposed rezoning and sub division for the proposed change in land use from Single Residential Dwelling to Training, Rescue & Rehabilitation Centre on Erf 2103, Piesang Valley, Plettenberg Bay

Date: __31/8/2021__

Reasons for Objections:

The security will be a big issue for us . The noise from barking dogs all day and night is not acceptable in this tranquil area with lots of bird life that inhabits the Piesangvalley estuary. This is a residential area and no kennels should be allowed there. Out of town on a farm would be much more suitable.

Names: __Mandie Truter__

Address: __4170 and 4202__

__Riverclub__

__Plettenbergbay__

Tel: __083 6588075__



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SEARCH CRITERIA

Search Date	2021/09/21 10:08	Erf Number	4170
Reference	TRUTER	Portion Number	-
Report Print Date	2021/09/21 10:09	Township Remaining Extent	NO
Township	PLETTENBERG BAY	Search Source	Deeds Office
Deeds Office	Cape Town		

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T39507/1998
Township	PLETTENBERG BAY	Local Authority	PLETTENBERG BAY TC
Erf Number	4170	Province	WESTERN CAPE
Portion Number	0	Remaining Extent	NO
Registration Division	KNYSNA RD	Extent	396.0000 SQM
Previous Description	PTN OF 4138-GP12984	LPI Code	C03900080000417000000

OWNER INFORMATION (2)

TRUTER DEON		Owner 1 of 2	
Person Type	PRIVATE PERSON	Document	T14617/2021
ID Number	6704155166086	Microfilm / Scanned Date	-
Name	TRUTER DEON	Purchase Price (R)	4 500 000
Multiple Owners	YES	Purchase Date	2020/12/08
Multiple Properties	NO	Registration Date	2021/03/30
Share (%)	50		
TRUTER AMANDA MARIA		Owner 2 of 2	
Person Type	PRIVATE PERSON	Document	T14617/2021
ID Number	6906300145085	Microfilm / Scanned Date	-
Name	TRUTER AMANDA MARIA	Purchase Price (R)	4 500 000
Multiple Owners	YES	Purchase Date	2020/12/08
Multiple Properties	NO	Registration Date	2021/03/30
Share (%)	50		

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ENDORSEMENTS (1)				
#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	B8645/2021	NEDBANK LTD	3 000 000	-

HISTORIC DOCUMENTS (5)				
#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	VA1714/2013	-	-	-
2	T57812/1991	RIVER CLUB PLETTENBERG BAY T/T	T/T	2002 0677 5793
3	T39507/1998	JOOSTE JOHANNES HENDRIK	189 000	2000 0720 3800
4	T86087/2000	CAMCOTT INV NO 2 C C	230 000	-
5	T18549/2013	GOMES SANTA	VESTING	-

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Jordaan & Smith

ATTORNEYS | PROKUREURS | CONVEYANCERS | AKTEBESORGERE

Tel: 044 533 2140 • Fax/Faks: 044 533 1506 • E-mail/E-pos: gerard@jordaansmith.co.za
PO Box/Posbus 57, Plettenberg Bay/Plettenbergbaai, 6600 • 8 High Street, Plettenberg Bay/Plettenbergbaai, 6600

Our ref / Ons verw: G JORDAAN/LIEZL/
Your ref / U verw:

21 September 2021

CAPE EAPrac
Attention: Mellissa Mackay
mel@cape-eaprac.co.za

CC:
The Municipal Manager
Bitou Municipality
Municipal Offices
PLETTENBERG BAY
astander@plett.gov.za

Dear Sir/Madam

DEON AND MANDY TRUTER // PART 2 AMENDMENT APPLICATION OF THE EXISTING ENVIRONMENTAL AUTHORISATION FOR HOUSE VOGEL / THE HAPPY PLACE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY

OBJECTION TO APPLICATION

We refer to the above matter and confirm that we act herein on behalf of Deon and Mandy Truter, **owners of Erf 4170 Plettenberg Bay.**

Our client's property is situated in the River Club, Plettenberg Bay directly situated on the Western side of the River Club in close proximity to Erf 2103.

An image is annexed hereto that indicates the location of our clients property with an 'x'.

Paul Jordaan (BProk)
Willie Smith (LLB)
Assisted by: Gerard Jordaan (LLB)



We confirm that we hold instructions to formally object to and oppose the proposed change in land use from single residential dwelling to a training, rescue and rehabilitation centre for animals.

We record our clients' objections, *ad seriatim*, as follows:

Locus standi

1. Our clients in this regard are interested and affected parties. They own Erf 4170 in close proximity to Erf 2103.
2. In **BEF (Pty) Ltd v Cape Town Municipality** 1983 (2) SA 387 (C) at 401 Grosskopf J stated:

"The purpose to be pursued in the preparation of a scheme suggests to me that a scheme is intended to operate, not in the general public interest, but in the interest of the inhabitants of the area covered by the scheme, or at any rate those inhabitants who would be affected by a particular provision. And by 'affected' I do not mean damnified in a financial sense. 'Health, safety, order, amenity, convenience and general welfare' are not measurable in financial terms. Buildings which do not comply with the scheme may have no financial effect on neighbouring properties, or may even enhance their value, but may nevertheless detract from the amenity of the neighbourhood and, if allowed to proliferate, may change the whole character of the area..."

3. It is submitted that our client has the necessary *locus standi* to object to the current application.

Rezoning

4. The purpose of zoning is to create different categories of directions that set out the purpose for which land situated in the area covered by a town planning scheme may be used and the land use restrictions applicable in each category as determined by relevant scheme regulations.

5. From a town planning perspective the control over the utilisation of land customarily involves the allocation of the same use rights to all properties in a particular area so that one will have areas set aside for residential use, other for commercial use and yet others for industrial use, and so forth.¹
6. Zoning is a limitation or condition restricting the exercise of ownership.²
7. The purpose of zoning is the creation and retention of the specific character of an area. Such purpose would be frustrated if a use were allowed for which no provision is made in the town planning scheme or if a person uses land contrary to the purpose for which it is zoned.³
8. The zoning scheme provisions are intended to regulate land use and development so as to promote the co-ordinated and harmonious use of land.⁴ In other words, to protect the amenity of the surrounding neighbourhood.
9. The area in which erf 2103 is situated does have a variety of zoning categories. They consist of single residential, commercial and agricultural. The commercial area is situated in close proximity to erf 2103 together with residential developments. Our clients' property is zoned residential.
10. Should the applicant's property be rezoned it will adversely affect the character of the current surrounding area in that it will result in an inappropriate use of property within an area predominantly utilised for residential purposes. This aspect is extremely important to take into consideration as it is the residents of piesang valley as well as our clients who will have to endure the negative effects of having an animal rescue and kennel facility on their doorstep. It follows logically that the amenities of the neighbourhood will also be negatively impacted. Our client's current peaceful use of his property will be disturbed for the foreseeable future in that their current tranquil setting will be replaced with excessive noise pollution from the animals being kept at the facility. This will also affect the earning ability of our clients' property should our

¹ *Intercape Ferreira Mainliner (Pty) Ltd and Others v Minister of Home Affairs and Others* 2010 (5) SA 367 (WCC) para 105.

² *Pick 'n Pay Stores Ltd and others v Teazers Comedy and Revue CC and Others* 2000 (3) SA 645 (W) 656H.

³ *Pick 'n Pay Stores-supra* at 656G. See also *Power Road Taxi Developers (Pty) Ltd v MEC Local Government and Housing, Free State Province and Others* [2007] ZAFSHC 9 (8 February 2007) para 59.

⁴ *Camps Bay Residents and Ratepayers Association and Others v Hartley and Others* [2010] ZAWCHC 215 (16 November 2010) para 23.

clients wish to rent it out as holiday accommodation as the tenants would prefer a peaceful holiday stay without the constant and excessive noise emanating from the intended animal rescue and rehabilitation centre.

11. These disturbances may include:

- a. noise at all hours of the day and weekends (24/7) from the dogs barking and in turn causing other dogs the neighbourhood to also bark;
- b. Bad odour emanating from the property due to excessive waste from the animals;
- c. A reduction in the natural fauna and flora in the area due to the disturbances that will emanate from the dog rescue and rehabilitation facility;
- d. All the abovementioned factors will lead to an overall decrease in value of our client's property as well as the other property owners in the vicinity.

Traffic and access

- 12. Piesang Valley road is one of three of Plett's access points to the N2. The portion of the road that leads from the N2 down the hill to the Country Club entrance is fairly wide to handle the current traffic.
- 13. The portion of the Piesang Valley Road between Greenwood Bay College's entrance extending to the Robberg Road turn-off is of particular concern. This section of road is very narrow with no area for pedestrians and cyclists. Morning traffic is already a major concern especially around the school entrances. Vehicles are often stationary while waiting to enter the school entrances, the Plettenberg Bay Veterinary Clinic's entrance directly across from The Reef Playschool's entrance as well as Barrington's entrances are already causing major issues. These issues have been slightly decreased with the recent wideing and insertion of a joint entrance and turning lane for GBC and the Reef. However, the area in general still has many entrances and exits which do result in the slow of traffic and generally raises the risk of accidents and the risk of pedestrians to be run over by vehicle. By changing the zoning from single residential

to allow for the intended animal shelter facility will without doubt increase traffic and increase the risk of accidents. The municipality should cause a proper study to be done of the entire length of the Piesang Valley road to establish whether there are areas of concern where the road can further be widened before allowing more residential properties to be converted to businesses that will lead to further congestion and accidents in future.

14. It is important to note that this road is also utilized by persons walking their children to school, cyclists and many pedestrians making their way to and from their respective work locations. The street is extremely dangerous and constitutes a safety risk to motorists and pedestrians alike. An increase in traffic could possibly lead to a loss of life.

Nuisance

15. It is submitted that by granting approval for the planning application and thereby allowing the animal rescue facility with kennels to proceed on the property, it would subject our client and his family to noise pollution that will exceed that which is reasonable. In other words, it will constitute an unreasonable annoyance greater than a normal person can be expected to endure.
16. The test of reasonableness should be applied taking into account the general norms acceptable to the particular society. The test is one of reasonableness⁵. This is so because a neighbour has to tolerate the natural consequences of the ordinary use of the land⁶. In this regard the neighbouring properties expected living in a tranquil setting, but are now facing the prospect of living next door to a commercially operated animal rescue, rehabilitation and training area.
17. It is obvious but must be mentioned that dogs that go to rehabilitation centres and animal rescue centres are often dogs that are problematic for their owners to handle or portray traits and conduct which is generally undesirable. We are by no means saying that these animals do not deserve treatment and love and respect and given a fair chance to be rehabilitated. We are of the strong opinion that the area in which

⁵ Malherbe v Ceres Municipality 1951 (4) SA 510 (A) at 517 - 18

⁶ Bingham v City Council of Johannesburg 1934 WLD 180 on 184 and Malherbe v Ceres Municipality (supra at 517A - 518E).

this property is situated is not appropriately situated where such business can run in harmony with the surrounding property owners without negatively affecting the constitutionally guaranteed rights of property owners in the direct vicinity. We further respectfully submit that it is difficult to keep one dog under control and to not let it become a nuisance to neighbours by excessive barking. It is an impossible task to keep 10 to 20 dogs under control and prevent them from barking and disturbing the residential area in which they would be situated should the applicants be successful in this application. This is the main reason why kennels and similar businesses are found in the outskirts of Plettenberg Bay and not in the centre of a residential area.

18. Further to the above, the animals at the shelter will create an abundance of waste. The applicant intends to make use of a biogas plant to generate electricity from the waste. One of the unintended by-product of such plant is an excess of foul odour which will be to the detriment of the applicant's neighbours.
19. The above expected nuisance caused by the animals on the property will be unreasonable and more than what can be expected as being reasonable for our client and the residents of the area to accept. It is further submitted that the nuisance created will impact on our clients' rights as entrenched in section 10 and 24 of the Constitution of the Republic of South Africa 108 of 1996.

Removal of restrictive title deed condition

20. Restrictive conditions are for the reciprocal benefit of the owners.⁷
21. Any variation of conditions amounts to an interference with the rights of holders of the neighbouring properties and seriously affects the amenities of such properties and their values.⁸
22. Restrictive conditions should not be removed where the character of the area will be detrimentally affected by the removal.

⁷ Ex parte Gold 1956 (2) SA 642 (T) 647C; BEF-supra; Malan and Another v Ardconnel Investments (Pty) Ltd 1988 (2) SA 12 (A) 39G.

⁸ Rossmaur Mansions (Pty) Ltd v Briley Court (Pty) Ltd 1945 AD 217, 228.

23. When assessing whether or not to grant the removal of a restrictive condition the personal interests of the applicant is irrelevant. What is of consequence are the interests of the broader neighbouring properties or public.⁹
24. Test for the removal of a restrictive condition is a positive one, not a negative one. In other words, the test is the presence of a positive advantage which will be served by granting the application, not the absence of a negative disadvantage. The fact that the removal may not be undesirable does not in logic mean that such removal is as in fact desirable.¹⁰
25. The applicant seeks the restrictive condition to be removed in his own interests. This does not satisfy the test as set out above.
26. The application for the removal of the restrictive title condition should not succeed.

Diminishing property value

27. Approving the change of zoning application will have an immediate negative impact on our client's property value, for the reasons stated herein-above. Should the application be successful, they will have to endure endless noise pollution and other nuisances. If they find it intolerable, they may opt to sell their property and the value of which will have decreased as a direct result of potential purchasers taking the noise into consideration when making an offer to purchase as they will be aware of having to have to endure the noise pollution emanating from the neighbouring animal rescue and rehabilitation centre.
28. Should the proposed business be continued with, it will result in the diminishing value of all properties within earshot of Erf 2103 as living in that area will involve having to have to endure excessive noise pollution one would not expect to experience in a residential area.

⁹ Camps Bay Ratepayers and Residents Association and Others v Minister of Planning, Culture and Administration, Western Cape 2001 (4) SA 294 (C) 320J – 321C.

¹⁰ Camps Bay Ratepayers-supra

Conclusion

29. In the premise, it is respectfully submitted on behalf of our clients that the application for altering the zoning from residential one to allow for the animal shelter and rehabilitation centre should not be approved for the reasons contained herein. Approval thereof will result in a detrimental effect in numerous ways as provided herein above to our client and his family, as well as the persons living in the residential area.



GERARD JORDAAN

Melissa Mackay

From: christine valentine <christine@emilymoon.co.za>
Sent: Thursday, 19 August 2021 12:20
To: Melissa Mackay
Cc: georgeb@rainbowrareearths.com
Subject: Fwd: Part 2 Amendment Application for Erf 2103 Piesang Valley
Attachments: BIT517.13 Amendment Report Notification 18Aug21.pdf

Dear Melissa

Herewith are my details as an "interested and affected party" residing on the boundary of the proposed kennels and rehabilitation centre on Erf 2103 Piesang Valley Rd.

Company name: La Mer Investments CC

Erf 4369 Piesang Valley Rd.

I have copied in George Bennet, who is yet another "I&AP" and is also the second closest residential dwelling that will be impacted by the proposed kennels. RE/4137

Tel: 082 652 8526

Please keep us updated on all correspondence going forward.

Kind Regards

Christine Valentine
+27 082 457 9967

EMILY MOON RIVER LODGE
+27 44 501 2500
info@emilymoon.co.za
W P f



GARDEN ROUTE, SOUTH AFRICA
Rietvlei Road, Plettenberg Bay
* * * *
www.emilymoon.co.za

Begin forwarded message:

From: "Jaco le Roux" <jlr@worldonline.co.za>
Subject: Fw: Part 2 Amendment Application for Erf 2103 Piesang Valley
Date: 18 August 2021 at 4:35:18 PM SAST
To: "christine valentine" <christine@emilymoon.co.za>

Hi there,

See the email below,

Kind regards

Jaco le Roux
E: jl@worldonline.co.za
C: +27824450538
F: +27866857820

From: [Melissa Mackay](#)
Sent: Wednesday, August 18, 2021 1:35 PM
To: [Melissa Mackay](#)
Subject: Part 2 Amendment Application for Erf 2103 Piesang Valley

Good afternoon

**RE: PART 2 AMENDMENT APPLICATION OF THE EXISTING ENVIRONMENTAL AUTHORISATION
FOR HOUSE VOGEL / THE HAPPY PLACE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY**

Please find attached notification of the availability of the Draft Part 2 Amendment Assessment Report for the change in land use from an authorised single residential dwelling to a training, rescue & rehabilitation centre for animals on Erf 210 Piesang Valley, Plettenberg Bay. As a key stakeholder, neighbouring property owner, relevant authority and previously registered **Interested & Affected Party (I&AP)**, you accordingly being provided with the opportunity to review and comment the Part 2 Amendment Application. Should you no longer wish to be registered as an I&AP for this project, please notify this office in writing.

The comment period on this application commences on **Monday 23 August 2021** for a period of 30 days.

The documents can be downloaded from the following WeTransfer link and the Cape EAPrac website:

WeTransfer: [Click here](#)

Website: [Click here](#)

Please Note: When registering as an Interested and Affected Party (I&AP), you consent to the lawful processing of personal information in relation to the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013). Your information will be used for this project, or any future project where you are identified as an I&AP. You also agree that by submitting comment to inform this process, your contact details will, where required by a public body, be reflected in our regulated reports that must be compiled and submitted to the general public, registered stakeholders, organs of state as well as the competent authority for consideration and decision-making.

Kindly view our Privacy Statement for more information.

Regards

Melissa Mackay | 084 584 7419
SENIOR CONSULTANT | ECO | GIS
BTech Nat. Con. (NMMU)



Cape EAPrac



T: 044 874 0365
F: 044 874 0432
17 Progress Street, George
PO Box 2070, George 6530



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We confirm that we comply with the government's guidance on managing the risk of Covid-19



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SEARCH CRITERIA

Search Date	2021/09/21 10:09	Erf Number	4369
Reference	VALENTINE	Portion Number	-
Report Print Date	2021/09/21 10:15	Township Remaining Extent	NO
Township	PLETTENBERG BAY	Search Source	Deeds Office
Deeds Office	Cape Town		

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T41031/1993
Township	PLETTENBERG BAY	Local Authority	PLETTENBERG BAY TC
Erf Number	4369	Province	WESTERN CAPE
Portion Number	0	Remaining Extent	NO
Registration Division	KNYSNA RD	Extent	1,7230HA UNKNOWN
Previous Description	PTN OF 2104	LPI Code	C03900080000436900000

OWNER INFORMATION (1)

LA MER INV C C		Owner 1 of 1	
Company Type	-	Document	T41031/1993
Registration Number	CK92/15850/23	Microfilm / Scanned Date	1994 0475 5179
Name	LA MER INV C C	Purchase Price (R)	306 250
Multiple Owners	NO	Purchase Date	1992/12/08
Multiple Properties	NO	Registration Date	1993/05/25
Share (%)	-		

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	B42332/1994	NEDCOR BANK	164 000	1994 0475 5184

HISTORIC DOCUMENTS

No historic documents to display

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PO Box/Posbus 57, Plettenberg Bay/Plettenbergbaai, 6600 • 8 High Street, Plettenberg Bay/Plettenbergbaai, 6600

Our ref / Ons verw: G JORDAAN/LIEZL/

Your ref / U verw:

21 September 2021

CAPE EAPrac

Attention: Mellissa Mackay

mel@cape-eaprac.co.za

CC:

The Municipal Manager

Bitou Municipality

Municipal Offices

PLETTENBERG BAY

astander@plett.gov.za

Dear Sir/Madam

LA MER INVESTMENTS (PTY) LTD // PART 2 AMENDMENT APPLICATION OF THE EXISTING ENVIRONMENTAL AUTHORISATION FOR HOUSE VOGEL / THE HAPPY PLACE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY

OBJECTION TO APPLICATION

1. We refer to the above matter and confirm that we act herein on behalf of Christine Valentine, director of La Mer Investments (Pty) Ltd which is owner of Erf 4369.
2. Our client's property is situated on the northern side of Piesang Valley road, directly adjacent to Erf 2103.
3. Our client's property is utilized for residential purposes in a generally peaceful, tranquil and quiet area surrounded by nature in general for the owners' peaceful and



beneficial occupation of the property. Our client's property is zoned and categorized as residential.

4. The purpose of zoning is to create different categories of directions that set out the purpose for which land situated in the area covered by a town planning scheme may be used and the land use restrictions applicable in each category as determined by relevant scheme regulations.
5. From a town planning perspective, the control over the utilisation of land customarily involves the allocation of the same use rights to all properties in a particular area so that one will have areas set aside for residential use, other for commercial use and yet others for industrial use, and so forth.¹
6. Zoning is a limitation or condition restricting the exercise of ownership.²
7. The purpose of zoning is the creation and retention of the specific character of an area. Such purpose would be frustrated if a use were allowed for which no provision is made in the town planning scheme or if a person uses land contrary to the purpose for which it is zoned.³
8. The zoning scheme provisions are intended to regulate land use and development so as to promote the co-ordinated and harmonious use of land.⁴ In other words, to protect the amenity of the surrounding neighbourhood.
9. The area in which erf 2103 is situated does have a variety of zoning categories. They consist of single residential, commercial and agricultural. The commercial area is situated in close proximity to erf 2103 together with residential developments.

¹ *Intercape Ferreira Mainliner (Pty) Ltd and Others v Minister of Home Affairs and Others* 2010 (5) SA 367 (WCC) para 105.

² *Pick 'n Pay Stores Ltd and others v Teazers Comedy and Revue CC and Others* 2000 (3) SA 645 (W) 656H.

³ *Pick 'n Pay Stores-supra* at 656G. See also *Power Road Taxi Developers (Pty) Ltd v MEC Local Government and Housing, Free State Province and Others* [2007] ZAFSHC 9 (8 February 2007) para 59.

⁴ *Camps Bay Residents and Ratepayers Association and Others v Hartley and Others* [2010] ZAWCHC 215 (16 November 2010) para 23.

10. Should the owners of Erf 2103 be authorised to conduct the business of a dog rescue, rehabilitation and training centre be allowed, it will adversely affect the character of the current surrounding area and will result in the following negative effects:

- 10.1 Noise pollution;
 - 10.2 Waste from the animals will penetrate the water table and affect the Piesang River and all wildlife within it;
 - 10.3 Noise pollution will affect the surrounding property owners through noise pollution which will in turn result in the general devaluation of the properties in the area.
 - 10.4 Noise pollution from the barking of the dogs will also have a negative impact on the bird life in the area as well as possibly scaring off the resident otters that are often seen in the Piesang river and surrounding areas.
 - 10.5 Increase in traffic in an already congested area and will increase the risk of accidents.
- 11 The Piesang valley area is mostly made up of residential properties but also include a few light businesses within the area, including two schools, the Plettenberg Bay country Club (with golf course, tennis courts etc), tool hire, restaurant, bicycle shop, laundromat and a furniture store. Although there exists a diversity in property uses, such uses of property are, generally speaking, amenable to the area and for the most part does not result in excessive noise pollution to the surrounding residents of the area.
- 12 It must also be borne in mind that the existing businesses in the area operate within the normal business hours and peace and quiet is generally observed outside of normal trading hours. The business intended by the applicant, however, will result in noise pollution outside of normal trading hours as well as during trading hours.
- 13 The nature of the application by the owners of Erf 2103 will result in noise pollution during business hours as well as after hours. Such noise pollution, inside and outside business hours will cause a variety of issues if allowed by the Bitou Municipality. The subject application contains plans for an animal rehabilitation centre, 10 x dog kennels and 3 x kennel dog huts as well as other structures and parking.
- 14 The animals brought onto the property will likely stay there for a period of time allowing for noise pollution to transpire outside of business hours and more importantly out of the control of the owners of Erf 2103 or the lessees and their employees that will be tasked with managing the establishment.

- 15 Further to the noise pollution, animal waste will also negatively affect the area. The applicant states that it intends to make use of a biogas system. Such systems create strong odour which will also negatively affect the occupants in the nearby vicinity.

BITOU MUNICIPALITY

**BY-LAW RELATING TO PREVENTION OF PUBLIC NUISANCES AND
PUBLIC NUISANCES ARISING FROM THE KEEPING OF ANIMALS**

2. Objectives and application of by-law

(1) The municipality, aware of the constitutional right of every person to an environment that is not harmful to his or her health or well-being, adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Bitou area by fostering an environment in which the public in general may enjoy peaceful and harmonious living conditions.

(2)-

(3) Sections 4(1), 14(1), 15(1), and 21(1) do not apply to –

(a) premises which are legally used for bona fide agricultural purposes; or

(b) premises identified by the municipality where the keeping of animals or the operation of pet parlours, pet shops or catteries and kennels is permitted and indicated as such in an approved spatial development framework and zoning scheme.

- 16 The above Bitou By-Law was adopted to prevent owners and others from causing a nuisance to ensure the general public, including property owners, to enjoy peaceful and harmonious living conditions. In the event of the Applicant obtaining the necessary approvals from Bitou Municipality, our client's rights will severely be affected by the noise pollution that will emanate from the animal rescue centre. It must be mentioned that dogs bark at all hours of the day and property owners are responsible for the dogs they keep. It is much easier for owners to peacefully keep one or two dogs without causing nuisance to their neighbours. As soon as the amount of dogs increases, so too does the noise as the dogs get more difficult to control and keep quiet as they startle each other or raise the alarm by one dog barking leading to all the dogs barking.
- 17 For reasons set out above, dog kennels are usually situated outside residential areas. Further to this point, it must be mentioned that animals that go into rehabilitation centres are usually animals that caused a nuisance and were difficult to control by their owners. Placing all these animals together within a residential area that will affect

various property owners and affect their property rights guaranteed by the Constitution of South Africa will lead to an imbalance of property rights. The current owners and occupiers will have their right to use and enjoy their properties and homes infringed upon for the financial interests of the owners and lessees of Erf 2103.

- 18 The Municipality must take all owners in the Piesang Valley area into consideration. With the Covid-19 pandemic, the Municipality must also take into account that there are many more people that work from home that will have to endure the noise pollution created by the planned kennels at Erf 2103 if allowed by Bitou. We respectfully submit that it is the duty of the Municipality to weigh the rights of the owners of Erf 2103 against the existing property owners and inhabitants of the surrounding area. We submit that there are numerous dog kennel business operating in and around Plettenberg Bay that are situated in areas where they do not disturb other primarily residential areas.
- 19 The Piesang Valley area has a diversity of wildlife that may be negatively affected should the Municipality allow a dog kennels business/rehabilitation centre for animals. There are two local otters that live in the direct vicinity within the Piesang river. They will most likely be disturbed by the dogs at the kennels and look to relocate to an area without the threat of dogs.
- 20 Our clients wish to preserve what is left of the natural wildlife in the Piesang Valley. They have also invested in their property knowing that it is a peaceful tranquil area flaunting rare bird species as well as otters and other wildlife. Plettenberg Bay is renowned for its fauna and flora and not letting businesses that create nuisances and annoyances to do so within a residential area as same will result in unpleasant living conditions for the public at large. It is thus a very important function of the municipality to ensure peaceful and harmonious property usages in acceptable areas within its jurisdiction. We therefore wish to state categorically that the location of Erf 2103 is not suitable for a dog rescue centre and kennels.
- 21 It is submitted that by granting approval for the planning application and thereby allowing the dog rescue operation and activities to proceed on the property, it would subject our client and her family to noise pollution that will exceed that which is

reasonable. In other words, it will constitute an unreasonable annoyance greater than a normal person can be expected to endure.

- 22 The test of reasonableness should be applied considering the general norms acceptable to the particular society. The test is one of reasonableness⁵. This is so because a neighbour has to tolerate the natural consequences of the ordinary use of the land⁶. In this regard the neighbouring properties expected living in a tranquil and peaceful setting but are now facing the prospect of living next door to a commercially operated dog rescue and kennels establishment which will result in unfavourable noise pollution.
- 23 The above expected nuisance caused by the commercial activities on the property will be unreasonable and more than what can be expected as being reasonable for our client to accept. It is further submitted that the nuisance created will impact on our clients' rights as entrenched in section 10 and 24 of the Constitution of the Republic of South Africa 108 of 1996.

Removal of restrictive title deed condition

- 24 Restrictive conditions are for the reciprocal benefit of the owners.⁷
- 25 Any variation of conditions amounts to an interference with the rights of holders of the neighbouring properties and seriously affects the amenities of such properties and their values.⁸
- 26 Restrictive conditions should not be removed where the character of the area will be detrimentally affected by the removal.

⁵ Malherbe v Ceres Municipality 1951 (4) SA 510 (A) at 517 - 18

⁶ Bingham v City Council of Johannesburg 1934 WLD 180 on 184 and Malherbe v Ceres Municipality (supra at 517A - 518E).

⁷ Ex parte Gold 1956 (2) SA 642 (T) 647C; BEF-supra; Malan and Another v Ardconnel Investments (Pty) Ltd 1988 (2) SA 12 (A) 39G.

⁸ Rossmaur Mansions (Pty) Ltd v Briley Court (Pty) Ltd 1945 AD 217, 228.

- 27 When assessing whether or not to grant the removal of a restrictive condition the personal interests of the applicant is irrelevant. What is of consequence are the interests of the broader neighbouring properties or public.⁹
- 28 Test for the removal of a restrictive condition is a positive one, not a negative one. In other words, the test is the presence of a positive advantage which will be served by granting the application, not the absence of a negative disadvantage. The fact that the removal may not be undesirable does not in logic mean that such removal is as in fact desirable.¹⁰
- 29 The applicant seeks the restrictive condition to be removed in his own interests. This does not satisfy the test as set out above.
- 30 The application for the removal of the restrictive title condition should not succeed.

Diminishing property value

- 31 Approving the planning application will have an immediate negative impact on our client's property value, for the reasons state herein-above.

Conclusion

- 32 In the premise, it is respectfully submitted on behalf of our client that the application for planning approval should not be approved for the reasons contained herein. The approval thereof will result in a major nuisance to the surrounding property owners and will have a detrimental effect in numerous ways as provided herein above.



GERARD JORDAAN

⁹ Camps Bay Ratepayers and Residents Association and Others v Minister of Planning, Culture and Administration, Western Cape 2001 (4) SA 294 (C) 320J – 321C.

¹⁰ Camps Bay Ratepayers-supra

Melissa Mackay

From: Andre van der Merwe <andrekar99@gmail.com>
Sent: Wednesday, 01 September 2021 09:48
To: Melissa Mackay
Subject: Re: Erf 2103, Piesang Valley, Plettenberg Bay - Objections to proposed change in land use

Morning Melissa

Thanks for your email - noted.

In that case, would you please register me as an I&AP.

Kind regards
Andre

On Wed, 1 Sept 2021 at 09:40, Melissa Mackay <mel@cape-eaprac.co.za> wrote:

Morning Andre

In that instance, I would recommend that you register. All registered I&APs receive notice of any outcomes of the process.

Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

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Regards

Melissa Mackay | 084 584 7419

SENIOR CONSULTANT | ECO | GIS



Cape EAPrac



T: 044 874 0365

F: 044 874 0432

17 Progress Street, George

PO Box 2070, George 6530

From: Andre van der Merwe <andrekar99@gmail.com>

Sent: Wednesday, 01 September 2021 9:14 AM

To: Melissa Mackay <mel@cape-eaprac.co.za>

Subject: Re: Erf 2103, Piesang Valley, Plettenberg Bay - Objections to proposed change in land use

Good Morning Melissa

Many thanks for your email - noted.

I shall be out of the country for most of the remainder of this year - so I will be somewhat remote and therefore would not want to register as an Interested and Affected Party.

However, I am of course interested in the final outcome of this application in due course.

Kind regards

Andre van der Merwe

On Wed, 1 Sept 2021 at 09:05, Melissa Mackay <mel@cape-eaprac.co.za> wrote:

Good morning

Thank you for your email. I have provided your objection for the rezoning and subdivision to the planner. We are facilitating the Environmental Assessment process. As such please advise if you want to register as an Interested & Affected Party for the duration of this process.

Please note that in light of the new Protection of Personal Information Act (POPIA), we are only allowed to collate and use any comments from formally registered Interested & Affected Parties (I&APs) only. This was clarified by the Department of Environmental Affairs & Development Planning.

Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

Kindly view our [Privacy Statement](http://www.cape-eaprac.co.za) for more information (www.cape-eaprac.co.za).

Regards

Melissa Mackay | 084 584 7419

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BTech Nat. Con. (NMMU)



Cape EA Prac



T: 044 874 0365

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17 Progress Street, George

PO Box 2070, George 6530

From: Andre van der Merwe <andrekar99@gmail.com>

Sent: Wednesday, 01 September 2021 8:59 AM

To: Melissa Mackay <mel@cape-eaprac.co.za>

Subject: Erf 2103, Piesang Valley, Plettenberg Bay - Objections to proposed change in land use

Attention: Ms Melissa Mackay

Dear Sirs

I hereby submit objections to the above application - as set out in the attached document.

Kindly confirm safe receipt hereof.

Yours faithfully

Andre van der Merwe

OBJECTION to the proposed rezoning and subdivision for the proposed change in land use from Single Residential Dwelling to Training, Rescue & Rehabilitation Centre on Erf 2103 Piesang Valley, Plettenberg Bay

Date: 1 September 2021

Reasons for Objections:

- 1) Instead of a single residential dwelling which would blend and fit in with the adjacent attractive residential properties along the Piesang River, the proposal is for multiple buildings and structures namely a Rehabilitation Centre, a Training Centre, 2x Cottages, and a number ie 13 kennel dog huts (each 2x3 metres) each surrounded by large (wire, one assumes) fencing with an total area of 1075 square metres. This is a massive coverage on that erf that will invariably spoil and destroy the largely natural terrain by over-populating it with unattractive, unnecessary and undesirable development and structures.
- 2) The (revised) proposal indicates that: "All structures will be raised above ground on stilts, including the dog kennels." This will provide an unusual, unconventional, unattractive and undesirable development from an aesthetic point of view. The question arises why stilts are, or may be, required but the proposal is silent as to the reason for this aspect of the proposed development.
- 3) Instead of the normal traffic level associated with a single residential dwelling, the proposal will provide a business instead of a single residence and thereby an unwanted increased level of motor traffic associated with a business. This increase in vehicular traffic will be unwanted and undesirable for Piesang Valley Road and the residential nature of the adjacent properties.
- 4) The proposal will provide a type of business on the erf which unfortunately will lead to barking and howling of dogs on the property, particularly at night-times and over weekends (when operating staff may not be present to deal with such noise-levels). This will invariably lead to "noise pollution" in the surrounding area which is normally a quiet area, and such noise will be clearly undesirable.
- 5) In addition to the problem set out in paragraph 4 above, the proposal will also provide a type of business which will unfortunately provide a potential source of unpleasant odour and stench from the faeces/urine of dogs and any other animals on the property. This arises invariably even if the kennels are cleaned regularly and as well as practically possible – but for example over weekends when operating staff may not be on duty, this will not be the case. This will therefore lead to "air pollution" in the surrounding area (or downwind) which will clearly be undesirable for those living in the vicinity or neighbourhood.

Names: Mr Andre van der Merwe (Chairman – representing 12 owners)

Address: Mustique Body Corporate,

The River Club,

Piesang Valley Road, Plettenberg Bay

Tel: 082 777 2887

Melissa Mackay

From: Kari Vemer <Kari.Vemer@mweb.co.za>
Sent: Thursday, 02 September 2021 15:36
To: Melissa Mackay
Subject: Re: Vemer Objection Letter Erf 2103

Dear Melissa

Yes, please do register me.

I look forward to hearing further from you.

Kind regards
Kari Vemer

Sent from my iPhone

On 02 Sep 2021, at 12:14, Melissa Mackay <mel@cape-eaprac.co.za> wrote:

Good afternoon

Thank you for your email. I have also provided your objection for the rezoning and subdivision to the planner. We are facilitating the Environmental Assessment process. As such please advise if you want to register as an Interested & Affected Party for the duration of this process.

Please note that in light of the new Protection of Personal Information Act (POPIA), we are only allowed to collate and use any comments from formally registered Interested & Affected Parties (I&APs) only. This was clarified by the Department of Environmental Affairs & Development Planning.

Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

Kindly view our [Privacy Statement](http://www.cape-eaprac.co.za) for more information (www.cape-eaprac.co.za).

Regards

Melissa Mackay | 084 584 7419
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<image001.png>

T: 044 874 0365
F: 044 874 0432

17 Progress Street, George
PO Box 2070, George 6530

From: Kari Vemer <kari.vemer@mweb.co.za>
Sent: Thursday, 02 September 2021 10:39 AM
To: Melissa Mackay <mel@cape-eaprac.co.za>
Subject: Vemer Objection Letter Erf 2103

Objection to the proposed rezoning and sub division for the proposed change in land use from Single Residential Dwelling to Training, Rescue & Rehabilitation Centre on Erf 2103, Piesang Valley, Plettenberg Bay

Date: _2 September 2021_____

Reasons for Objections:

This documents states the **OBJECTION** for the **PROPOSED CHANGE IN LAND USE FROM SINGLE RESIDENTIAL DWELLING TO TRAINING, RESCUE & REHABILITATION CENTRE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY**

The proposed change is a significant deviation to the original approved plan. The changed proposal will have the effect of

- Additional and unwanted noise disturbance by barking dogs. The area is currently tranquil and peaceful and does not lend itself to unnecessary noise pollution.
- Additional dwellings for a manager, labourers, and no doubt their families. Instead of this being a single dwelling proposal, we are now faced with a proposal for at least an additional 2-3 families. This introduces unwanted additional noise disturbance.
- Unnecessary disturbance of flora. By building even more buildings and living quarters, current flora on the property will be destroyed. This is clearly an unwanted situation, again as this area is considered a beautiful and peaceful area, with many local species.
- Unnecessary disturbance of fauna. There are numerous beautiful species of fauna present along the Piesang Valley. With unnecessary noise from barking dogs, as well as the natural hunting nature of dogs or other animals, these animals will have a detrimental impact on the natural fauna.
- Negative impact on the value of existing dwellings in the area. By introducing a comparatively high density and noise disturbing influence as per the proposal, it will impact negatively on the current property values in the area.

Names: _Kari Vemer_____

Address: 4174/5 Bulura Creek_____

Riverclub_____

Plettenberg Bay_____

Tel: 082 808 4544_____